

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 8/3/2016

C O R A M

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8422 of 2016

&

WMP No.7461 of 2016

Mohamed Farook
rep. by his Power of Agent
Mohamed Abubakkar Petitioner

Vs.

1. The District Collector,
O/o District Collectorate,
Cuddalore.

2. The Sub Collector/
Revenue Divisional Officer,
Chidambaram,
Cuddalore District.

3. The Tahsildar,
Kattumannarkoil taluk,
Cuddalore District.

4. The Block Development Officer,
Panchayat Union Office,
Kumaratchi,
Kattumannakoil taluk,
Cuddalore District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents from making any construction of superstructure or building in any manner in the petitioner's property comprised of Survey Numbers 152/1A, 152/1B2A, 152/1B2B, 152/3 and 152/4 situated at Elleri village Kattumannarkoil taluk, Cuddalore District.

For Petitioner : Mr.G.Pugazhenth

For Respondents: : Mr.S.Navaneethan, AGP

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.G.Pugazhenthii, learned counsel for the petitioner and Mr.S.Navaneetham, learned Additional Government Pleader for the respondents.

3. This Writ Petition has been filed praying for the issuance of a writ of mandamus, to forbear the respondents from making any construction of superstructure or building in any manner in the petitioner's property comprised of Survey Numbers 152/1A, 152/1B2A, 152/1B2B, 152/3 and 152/4 situated at Elleri village Kattumannarkoil taluk, Cuddalore District.

4. According to the petitioner, one Jamal Maideen, through his Power Agent, purchased the property comprised in S.F.Nos.152/1A, 152/1B and 2 by a registered sale deed dated 14.9.1990 and also purchased the property comprised in S.No.151/1, 2, 3 and he was in possession and enjoyment till his death and thereafter, the petitioner and his brothers are in possession and enjoyment of the property. The land situated in S.No.152 is subdivided into 152/1A, 152/1B2A, 152/1B2B, 152/3 and 152/4 and the entire extent of lands measuring 7 acres and 4 cents. The revenue records, namely, computerized patta stands in the name of the said Jamal Maideen.

5. While so, the petitioner came to know that in the above said property, one Muthusamy started constructions and on enquiry, he was informed that a building for Veterinary hospital is being constructed on behalf of the government. The petitioner sent a representation dated 13.01.2016 to the respondents stating that the above said lands are private lands belonging to the petitioner and therefore, construction of the building has to be stopped and completed portion of the building has to be removed. As no action was taken on his representation, the petitioner has come forward with the present writ petition.

6. Without going into the merits of the claim of the petitioner, the first respondent is hereby directed, to consider the representation of the petitioner, dated 13/1/2016, and pass an appropriate order, on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order, by affording an opportunity of personal hearing, to the petitioner. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petition.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The District Collector,
O/o District Collectorate,
Cuddalore.

2. The Sub Collector/
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3. The Tahsildar,
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1 cc to Mr.G. Pugazhenthii, Advocate Sr.14745

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VSN(CO)
Eu 24.03.16

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